

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DANIEL M. LANEVE,)	
)	
Plaintiff,)	Civil Action No. 2:14-cv-00216
)	
v.)	Judge Maurice B. Cohill
)	
LATROBE STEEL COMPANY, trading and)	
doing business as LATROBE SPECIALTY)	ELECTRONICALLY FILED
STEEL COMPANY, a wholly owned)	
subsidiary of CARPENTER TECHNOLOGY)	
CORPORATION,)	
)	
Defendants.)	

DEFENDANTS' MOTION TO DISMISS

AND NOW COMES Defendants Latrobe Steel Company and Carpenter Technology Corporation (collectively, "Defendants"), by and through their undersigned counsel, and move to dismiss Plaintiff Daniel M. Laneve's Complaint (Doc. No. 1) because, among other things, Laneve failed to file a timely Complaint after receiving his right to sue letter from the EEOC. Even if he had timely filed a complaint, Laneve failed to state sufficient facts showing that he has a plausible claim arising under the ADEA for disparate treatment and/or hostile work environment. Concerning his state law claims, Laneve failed to sufficiently plead a claim for the intentional infliction of emotional distress; which, in any event, is preempted by the Pennsylvania Workers' Compensation Act. Laneve also failed to plead the existence of a contract and its terms, sufficient to sustain a claim for breach of a covenant of good faith and fair dealing. Finally, Laneve failed to plead sufficient facts showing that CTC is a proper defendant.

The basis of Defendants' Motion is fully set forth in the accompanying Brief filed concurrently herewith and incorporated herein by reference as if set forth in full.

WHEREFORE, Defendants respectfully request that this Court grant their Motion to Dismiss and enter judgment in its favor on all of the claims against Defendants in the Complaint.

Dated: April 29, 2014

Respectfully submitted,

/s/ Christian C. Antkowiak

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